

Notice of Allowability

Application No.

09/601,702

Examiner

Arnel C. Lavarias

Applicant(s)

HORIMAI, HIDEYOSHI

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/20/06.
2. ☒ The allowed claim(s) is/are 1-2,6-8,16-17,51-56,58-60,79-85,96 (renumbered 1-24).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____


THONG NGUYEN
PRIMARY EXAMINER

DETAILED ACTION

Response to Amendment

1. The amendments to Claims 7, 16, 56 in the submission dated 4/20/06 are acknowledged and accepted.
2. The cancellation of Claims 97-112 in the submission dated 4/20/06 is acknowledged and accepted.

Response to Arguments

3. In view of the cancellation of Claims 97-98 above, the double patenting rejections in Sections 17, 19 of the Office Action dated 1/20/06 are respectfully withdrawn. In addition, the prior art rejections in Section 22 of the Office Action dated 1/20/06 are respectfully withdrawn.
4. In view of the amendments made to Claim 56, the double patenting rejections in Section 18 of the Office Action dated 1/20/06 are respectfully withdrawn.
5. The Applicant argues that, with respect to newly amended Claims 7 and 56, as well as Claims 8 and 58 which depend on Claims 7 and 56, the combined teachings of Curtis et al., Rembault, and Gabor fail to teach or reasonably suggest a reproducing optical system, wherein a reflecting layer is used as a reference plane to generate reproduction light. After reviewing Curtis et al., Rembault, and Gabor, the Examiner agrees, and respectfully withdraws the rejections in Sections 21 and 24 of the Office Action dated 1/20/06.

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6. The Applicant argues that, with respect to newly amended Claims 16 and 99, as well as Claim 17 which depends on Claims 16, the combined teachings of Curtis et al., Rembault, Gabor, and Liu et al. fail to teach or reasonably suggest a reproducing optical system, wherein a reflecting layer is used as a reference plane to generate reproduction light. After reviewing Curtis et al., Rembault, Gabor, and Liu et al., the Examiner agrees, and respectfully withdraws the rejections in Sections 23-24 of the Office Action dated 1/20/06.

Allowable Subject Matter

7. Claims 1-2, 6-8, 16-17, 51-56, 58-60, 79-85, 96 are allowed.

REASONS FOR ALLOWANCE

8. The following is an examiner's statement of reasons for allowance:

Claims 1-2, 6, 51-55, 59-60, 79-85, 96 are allowable over the cited art of record for at least the reasons as previously set forth in Section 26 of the Office Action dated 1/20/06.

Claims 7, 16, and 56 are allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest an optical information reproducing apparatus, as generally set forth in Claims 7, 16, and 56, the apparatus including, in combination with the features recited in Claims 7, 16, and 56, a reproducing optical system for illuminating the information recording layer with the reference light for reproduction on a same side of the information recording layer that is illuminated with the information light and the reference light for recording, and using the reflecting layer

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as a reference plane to generate reproduction light. Claims 8, 17, 58 are dependent on Claims 7, 16, 56, and hence are allowable for at least the same reasons Claims 7, 16, 56 are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Arnel C. Lavarias
6/13/06



THONG NGUYEN
PRIMARY EXAMINER